

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Defendants.

- 1. Deliberate Indifference – Cruel and Unusual Punishment (42 U.S.C. § 1983);**
- 2. False Arrest (42 U.S.C. § 1983);**
- 3. Excessive Force (42 U.S.C. § 1983)**

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1 2. Defendant CITY AND COUNTY OF SAN FRANCISCO is a public entity doing
2 business within the County of San Francisco, State of California.

3 3. Plaintiff is ignorant of the true names and capacities of Defendants sued herein as
4 DOES 1 to 50, and each of them, and therefore sues these Defendants by such fictitious names.
5 Plaintiff will amend this complaint to allege their true names and capacities when ascertained.
6 Plaintiff is informed and believe and thereon allege that each of the fictitiously named
7 Defendants are legally responsible in some manner for the occurrences herein alleged, and that
8 Plaintiff's damages as herein alleged were proximately caused by said Defendants.
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11 4. At all times mentioned herein, each of the Defendants were the agent, servant and
12 employee of each of the remaining Defendants, and were, at all times mentioned herein, acting
13 within the course and scope of their respective authority as agents, servants and employees, and
14 that each Defendant's conduct was authorized, permitted, consented to and ratified by their Co-
15 Defendants. This Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3)-
16 (4) because plaintiffs assert claims arising under the laws of the United States including 42
17 U.S.C. § 1983 and the Fourth, Eighth, and Fourteenth Amendments of the United States
18 Constitution. This Court has supplemental jurisdiction over any of plaintiff's claims arising
19 under state law pursuant to 28 U.S.C. § 1367(a), because those claims are so related to the
20 federal claims that they form part of the same case or controversy under Article III of the United
21 States Constitution.
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23 5. Venue is proper in this Court because the injuries giving rise to this action
24 occurred in the County of San Francisco, the proper judicial district. Venue is proper in this
25 Court under 28 U.S.C. § 1391(b) because the parties reside in, and all incidents, events, and
26 occurrences giving rise to this action occurred in, the County of San Francisco, California.
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1 impairment or injury at the time of his arrest. In fact, after Mr. HALEY exited the subject
2 taxicab, NJEMANZE was able to complete a U-turn drive upon the sidewalk and run a
3 pedestrian down, nearly killing him, then drive to Daly City, all without the need of any medical
4 assistance, whatsoever.
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6 14. After running down JEREMY HALEY on a San Francisco sidewalk, KINGSLEY
7 NJEMANZE was able to operate a motor vehicle in the described manner herein, exhibiting no
8 signs of impairment, whatsoever.
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10 15. Plaintiff JEREMY HALEY, the victim of a violent crime, was entitled to at least
11 some recognition and protection by and from the CITY AND COUNTY OF SAN FRANCISCO
12 regarding the charges brought against KINGSLEY NJEMANZE.

13 16. On or about the evening of February 17, 2023, immediately prior to a three-day
14 holiday weekend, Defendants, and each of them, came to Mr. HALEY's home and arrested him
15 without probable cause.
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17 17. The CITY AND COUNTY OF SAN FRANCISCO District Attorney's office,
18 who was purportedly protecting Mr. HALEY's rights and interest as a victim of a serious and
19 potentially deadly crime, failed to notify Mr. HALEY that KINGSLEY NJEMANZE filed a
20 police report, which claimed that on December 11, 2022, Mr. HALEY assaulted KINGSLEY
21 NJEMANZE.
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23 18. The CITY AND COUNTY OF SAN FRANCISCO District Attorney's office,
24 who was purportedly protecting Mr. HALEY's rights and interest as a victim of a serious and
25 potentially deadly crime, failed to notify Mr. HALEY that was wanted for questioning, or that he
26 would be arrested on the eve of a three-day weekend.
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28 19. Defendants, and each of them, knew or should have known that JEREMY

1 HALEY was severely injured as a result of being run down by the subject taxicab in December
2 of 2022.

3 20. Defendants, and each of them, knew or should have known that as on February
4 17, 2023, JEREMY HALEY was nowhere near recovered from the serious injuries he suffered as
5 result of being run down by the subject taxicab in December of 2022.
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7 21. Defendants, and each of them, knew or should have known that in February of
8 2023, JEREMY HALEY was unable to walk without the use of a cane due to the severe injuries
9 he suffered as a result of being run down by the subject taxicab in December of 2022.
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11 22. Defendants, and each of them, knew or should have known that JEREMY
12 HALEY suffered a spinal injury as a result of being run down by the subject taxicab in
13 December of 2022.

14 23. Defendants, and each of them, knew or should have known that in February of
15 2023, JEREMY HALEY posed no risk of escape or evading arrest, whatsoever.
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17 24. On or about February 17, 2023, Defendants, and each of them, came to JEREMY
18 HALEY's home to arrest him for assaulting KINSLEY NJEMANZE in December of 2022, and
19 used excessive force in arresting JEREMY HALEY.
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21 25. The Defendant police officers told JEREMY HALEY that unless he was able to
22 post bail, he would remain in jail until the following Tuesday, as Defendants and each of them,
23 knew Mr. HALEY was being taken into custody on the eve of a three-day weekend.

24 26. Defendants, and each of them, knew or should have known that KINSLEY
25 NJEMANZE's claims against JEREMY HALEY, were patently false.
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27 27. Based upon information and belief, due to a policy of the Defendant CITY AND
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COUNTY OF SAN FRANCISCO District Attorney's office, which utterly disregards the rights of victims of violent crime in San Francisco, Plaintiff JEREMY HALEY was no longer entitled to any recognition as a victim regarding the prosecution of KINGSLEY NJEMANZE.

28. Based upon information and belief, due to the Defendant CITY AND COUNTY OF SAN FRANCISCO District Attorney's office's apparent policy, Defendants ceased communications with Mr. HALEY, the victim of violent crime in San Francisco, who was not advised of the status of the criminal prosecution against NJEMANZE, nor asked if he wished to participate in NJEMANZE's criminal proceeding.

29. Based upon information and belief, Defendants, and each of them had access to and viewed video footage, that conclusively proved the deliberate actions of KINGSLEY NJEMANZE, as described herein. There could be no reasonable or rational basis for charging JEREMY HALEY with a crime, when Mr. HALEY was clearly a victim of a violent crime.

30. Based upon information and belief, Defendants, and each of them had access to multiple eyewitness reports that proved the deliberate actions of KINGSLEY NJEMANZE, as described herein. There could be no reasonable or rational basis for charging JEREMY HALEY with a crime, when Mr. HALEY was clearly a victim of a violent crime.

31. Defendants, and each of them, deliberately chose to ignore the reports of the officers who responded to the subject event, the multiple eyewitnesses to the subject event, and video footage of the subject event, all in complete and total disregard of Plaintiff JEREMY HALEY's rights as a victim of a violent crime.

32. JEREMY HALEY, therefore, was arrested without any probable cause.

33. Upon arresting JEREMY HALEY on or about February 17, 2023, Defendants

1 employed multiple officers, who used excessive force and unreasonable force, particularly due to
2 the disabled condition of Mr. HALEY.

3 34. Defendants, and each of them, unlawfully detained Plaintiff JEREMY HALEY
4 without probable cause, when in fact Defendants knew Mr. HALEY was a victim of a very
5 serious and potentially deadly assault with a motor vehicle.
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7 35. At all times mentioned herein, Defendants, and each of them, were deliberately
8 indifferent to Plaintiff JEREMY HALEY's serious medical needs.
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10 36. Prior to arresting Plaintiff JEREMY HALEY in February 2023, Defendants, and
11 each of them, owed a duty to Plaintiff to investigate the subject incident involving Mr. HALEY
12 and KINGSLEY NJEMANZE properly, which Defendants, and each of them, failed to do.

13 37. Defendants and each of them, knew or should have known JEREMY HALEY
14 was the victim of a violent crime, and therefore owed Mr. HALEY a duty to protect his rights as
15 a victim, and to reasonably investigate any claim that KINGSLEY NJEMANZE made against his
16 victim, Mr. HALEY.
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18 38. Under the totality of the circumstances as described herein, there was no fair
19 probability that Plaintiff JEREMY HALEY committed any crime.
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21 39. Under the totality of the circumstances as described herein, there was no probable
22 cause to arrest Plaintiff JEREMY HALEY.

23 40. It was unreasonable for the Defendant officers who arrested JEREMY HALEY in
24 February of 2023 to use any force, whatsoever, as JEREMY HALEY was visibly disabled,
25 which was known to Defendants, and each of them.
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27 41. Plaintiff JEREMY HALEY, who was disabled at the time, did not resist arrest in
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1 any way, and unreasonable force was used by the Defendant officers who arrested JEREMY
2 HALEY.

3 42. At the time he was arrested in February of 2023, Defendants, and each of them
4 knew or should have known that JEREMY HALEY was disabled, and entitled to the protections
5 of the American Disabilities Act (“ADA”).
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7 43. At the time he was arrested in February of 2023 by Defendants, and each of them,
8 failed to provide any reasonable accommodations to Plaintiff JEREMY HALEY.

9 44. Defendants, and each of them, knew or should have known that there was never
10 any immediate need to take JEREMY HALEY into custody.
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12 45. Defendants, and each of them, were deliberately indifferent to training their
13 officers to adequately investigate prior to arresting a victim of a violent crime, which arrest took
14 place months after the initial crime.
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16 46. Defendants, and each of them, were deliberately indifferent to supervising their
17 officers to adequately investigate prior to arresting a victim of a violent crime, which arrest took
18 place months after the initial crime.

19 47. Defendants, and each of them, were deliberately indifferent to Plaintiff JEREMY
20 HALEY’s serious medical needs at the time of his arrest and detention.
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22 48. Defendants, and each of them, were acting under color of State law at all times,
23 and concerning all allegations herein.

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FIRST CAUSE OF ACTION

**Deliberate Indifference – Cruel and Unusual Punishment (42 U.S.C. § 1983);
All Defendants**

49. Plaintiff re-alleges and incorporates by reference each and every allegation contained in paragraphs 1 through 48 of this Complaint For Damages against Defendants, and each of them.

50. Defendants, and each of them, knew or should have known that Plaintiff JEREMY HALEY was severely injured as a result of being run down by the subject taxicab in December of 2022.

51. Defendants, and each of them, knew or should have known that as on February 17, 2023, JEREMY HALEY was nowhere near recovered from the serious injuries he suffered as result of being run down by the subject taxicab in December of 2022.

52. Defendants, and each of them, knew or should have known that in February of 2023, JEREMY HALEY was unable to walk without a cane due to the severe injuries he suffered as a result of being run down by the subject taxicab in December of 2022.

53. Defendants, and each of them, knew or should have known that JEREMY HALEY suffered a spinal injury as a result of being run down by the subject taxicab in December of 2022.

54. Defendants, and each of them, knew or should have known that in February of 2023, JEREMY HALEY posed no risk of escape or evading arrest, whatsoever.

55. On or about February 17, 2023, Defendants, and each of them, came to JEREMY HALEY's home to arrest him for assaulting KINSLEY NJEMANZE in December of 2022, and used excessive force in arresting Plaintiff JEREMY HALEY.

56. The Defendant police officers told JEREMY HALEY that unless he was able to

1 post bail, he would remain in jail until the following Tuesday, as Defendants and each of them,
2 knew Mr. HALEY was being taken into custody on the eve of a three-day weekend.

3 57. Defendants, and each of them, knew or should have known that KINSLEY
4 NJEMANZE's claims against JEREMY HALEY, were patently false, and that there was no
5 probable cause to arrest or detain Plaintiff.
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7 58. At all times mentioned herein, Defendants, and each of them, were subjectively
8 aware of Mr. HALEY's serious medical needs, and each intentionally failed to adequately
9 respond.
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11 59. Defendants, and each of them, deliberately and consciously chose not to provide
12 Plaintiff HALEY with reasonable accommodations in the arrest and detention as described
13 herein.

14 60. Defendants, and each of them, were a direct and proximate cause of depriving
15 Plaintiff JEREMY HALEY of his constitutional right to be free of cruel and unusual punishment,
16 as provided by the Eighth Amendment to the United States Constitution.
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18 61. The acts and omissions as described herein equated to cruel and unusual
19 punishment, and a violation of the Eighth Amendment to the United States Constitution on
20 behalf of Defendants, and each of them.
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22 62. The duties of Defendant were well established at the time of the deliberate
23 indifference, and thus the doctrine of qualified immunity does not apply.

24 63. As a direct and proximate result of the acts and omissions as described herein,
25 JEREMY HALEY was deprived of his constitutional rights, which directly caused Plaintiff to
26 suffer damages.
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28 64. As a direct and proximate result of Defendant's deliberate indifference, Plaintiff

1 endured pain and suffering, as well as emotional distress damages, for which compensatory
2 damages are warranted in an amount to be proven at trial.

3 **SECOND CAUSE OF ACTION**
4 **False Arrest (42 U.S.C. § 1983);**
5 **All Defendants**

6 65. Plaintiff re-alleges and incorporates by reference each and every allegation
7 contained in paragraphs 1 through 64 of this Complaint For Damages against Defendants, and
8 each of them.

9 66. On or about February 17, 2023, Defendants, and each of them, came to Plaintiff
10 JEREMY HALEY's home to arrest him for assaulting KINSLEY NJEMANZE in December of
11 2022, and used excessive force in arresting JEREMY HALEY.

12 67. The Defendant police officers told JEREMY HALEY that unless he was able to
13 post bail, he would remain in jail until the following Tuesday, as Defendants and each of them,
14 knew Mr. HALEY was being taken into custody on the eve of a three-day weekend.

15 68. Defendants, and each of them, knew or should have known that KINSLEY
16 NJEMANZE's claims against JEREMY HALEY, were patently false.

17 69. Based upon information and belief, due to a policy of the Defendant CITY AND
18 COUNTY OF SAN FRANCISCO District Attorney's office, which utterly disregards the rights
19 of victims of violent crime in San Francisco, Plaintiff JEREMY HALEY was no longer entitled
20 to any recognition as a victim regarding the prosecution of KINGSLEY NJEMANZE.

21 70. Based upon information and belief, due to the Defendant CITY AND
22 COUNTY OF SAN FRANCISCO District Attorney's office's apparent policy, Defendants
23 ceased communications with Mr. HALEY, the victim of violent crime in San Francisco, who
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1 was not advised of the status of the criminal prosecution against NJEMANZE, nor asked if he
2 wished to participate in NJEMANZE's criminal proceeding.

3 71. Based upon information and belief, Defendants, and each of them had access and
4 viewed video footage, that conclusively proved the deliberate actions of KINGSLEY
5 NJEMANZE, as described here in. There could be no reasonable or rational basis for charging
6 JEREMY HALEY with a crime, when Mr. HALEY was clearly a victim of a violent crime.
7

8 72. Based upon information and belief, Defendants, and each of them had access to
9 multiple eyewitness reports that proved the deliberate actions of KINGSLEY NJEMANZE, as
10 described here in. There could be no reasonable or rational basis for charging JEREMY HALEY
11 with a crime, when Mr. HALEY was clearly a victim of a violent crime.
12

13 73. Defendants, and each of them, deliberately chose to ignore the reports of the
14 officers who responded to the subject event, the multiple eyewitnesses to the subject event, and
15 video footage of the subject event, all in complete and total disregard of Mr. HALEY's rights as a
16 victim of a violent crime.
17

18 74. JEREMY HALEY, therefore, was arrested without any probable cause.

19 75. Upon arresting JEREMY HALEY on or about February 17, 2023, Defendants
20 used excessive force and unreasonable force.
21

22 76. Defendants, and each of them, unlawfully detained JEREMY HALEY without
23 probable cause, when in fact Defendants knew Mr. HALEY was a victim of a very serious and
24 potentially deadly assault with a motor vehicle.

25 77. The duties of Defendant were well established at the time of the deliberate
26 indifference, and thus the doctrine of qualified immunity does not apply.
27

28 78. As a direct and proximate result of the acts and omissions as described herein,

JEREMY HALEY was deprived of his constitutional rights, which directly caused Plaintiff to suffer damages.

79. As a direct and proximate result of Defendant's deliberate indifference, Plaintiff endured pain and suffering, as well as emotional distress damages, for which compensatory damages are warranted in an amount to be proven at trial.

THIRD CAUSE OF ACTION
Excessive Force (42 U.S.C. § 1983);
All Defendants

80. Plaintiff re-alleges and incorporates by reference each and every allegation contained in paragraphs 1 through 79 of this Complaint For Damages against Defendants, and each of them.

81. Defendants, and each of them, knew or should have known that JEREMY HALEY was severely injured as a result of being run down by the subject taxicab in December of 2022.

82. Defendants, and each of them, knew or should have known that as on February 17, 2023, JEREMY HALEY was nowhere near recovered from the serious injuries he suffered as result of being run down by the subject taxicab in December of 2022.

83. Defendants, and each of them, knew or should have known that in February of 2023, JEREMY HALEY was unable to walk without a cane due to the severe injuries he suffered as a result of being run down by the subject taxicab in December of 2022.

84. Defendants, and each of them, knew or should have known that Plaintiff JEREMY HALEY suffered a spinal injury as a result of being run down by the subject taxicab in December of 2022.

85. Defendants, and each of them, knew or should have known that in February of

2023, Plaintiff JEREMY HALEY posed no risk of escape or evading arrest, whatsoever.

86. On or about February 17, 2023, Defendants, and each of them, came to Plaintiff JEREMY HALEY's home to arrest him for assaulting KINSLEY NJEMANZE in December of 2022, and used excessive force in arresting JEREMY HALEY.

87. The Defendant police officers told JEREMY HALEY that unless he was able to post bail, he would remain in jail until the following Tuesday, as Defendants and each of them, knew Mr. HALEY was being taken into custody on the eve of a three-day weekend.

88. Defendants, and each of them, knew or should have known that KINSLEY NJEMANZE's claims against JEREMY HALEY, were patently false.

89. Based upon information and belief, Defendants, and each of them had access and viewed video footage, that conclusively proved the deliberate actions of KINGSLEY NJEMANZE, as described here in. There could be no reasonable or rational basis for charging JEREMY HALEY with a crime, when Mr. HALEY was clearly a victim of a violent crime.

90. Upon arresting JEREMY HALEY on or about February 17, 2023, Defendants used excessive force and unreasonable force.

91. Defendants, and each of them, unlawfully detained JEREMY HALEY without probable cause, when in fact Defendants knew Mr. HALEY was a victim of a very serious and potentially deadly assault with a motor vehicle.

92. Defendants, and each of them, were deliberately indifferent to Mr. HALEY's serious medical needs.

93. It was unreasonable for the Defendant officers who arrested Plaintiff JEREMY HALEY in February of 2023 to use any force, whatsoever, as JEREMY HALEY was visibly disabled.

1 94. Plaintiff JEREMY HALEY, who was disabled at the time, did not resist arrest in
2 any way, and unreasonable force was used by the Defendant officers who arrested JEREMY
3 HALEY.

4 95. At the time he was arrested in February of 2023, Defendants, and each of them
5 knew or should have known that JEREMY HALEY was disabled, and entitled to the protections
6 of the American Disabilities Act (“ADA”).

7 96. At the time he was arrested in February of 2023 by Defendants, and each of them,
8 failed to provide any reasonable accommodations to JEREMY HALEY.

9 97. Defendants, and each of them, knew or should have known that there was never
10 any immediate need to take JEREMY HALEY into custody.

11 98. The duties of Defendant were well established at the time of the deliberate
12 indifference, and thus the doctrine of qualified immunity does not apply.

13 99. As a direct and proximate result of the acts and omissions as described herein,
14 JEREMY HALEY was deprived of his constitutional rights, which directly caused Plaintiff to
15 suffer damages.

16 100. As a direct and proximate result of Defendant’s deliberate indifference, Plaintiff
17 endured pain and suffering, as well as emotional distress damages, for which compensatory
18 damages are warranted in an amount to be proven at trial.

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23 **III. DEMAND FOR JURY TRIAL**

24 Plaintiff JEREMY HALEY hereby demands a trial by jury.

25 **IV. PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff prays judgment in its favor and against Defendants, and each of
27 them, as follows:
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1. For compensatory damages in an amount according to proof;
2. For punitive damages against the individual defendants, according to proof;
3. For attorneys' fees pursuant to 42 U.S.C. §§ 1988 and 12205;
4. For any applicable statutory penalties;
5. Recovery of costs and expenses;
6. Pre- and post-judgment interest;
7. Such other and further relief as the Court deems just and proper.

Dated: November 24, 2023

BROD LAW FIRM, P.C.

By: /s/ Gregory J. Brod

GREGORY J. BROD
Attorneys for Plaintiff
JEREMY HALEY